

ZB# 75-12

Brotherhood Winery

(no SBL given)

75-12 - Brotherhood Winery
(Devitt) Sign Variance

Prelim. Meeting: 4/28/75.

Public Hearing -

6/9/75 - 8 p.m.

Fee to town paid 4/2/75.
Fees sent to Julie

To be filed

Variance for Sign
granted to

The Brotherhood Corporation
on the 9th day of June, 1975.

filed this 16th day of July, 1975.
by Patricia Delis, Secy,

at 3:15 p.m.

Legal Notice
 PUBLIC NOTICE OF
 HEARING BEFORE THE
 ZONING BOARD OF APPEALS
 PLEASE TAKE NOTICE that the
 Zoning Board of Appeals of the Town
 of New Windsor, New York will hold
 a public hearing pursuant to Section
 48-33 A of the Zoning Ordinance on
 the following proposition:
 Appeal No. 12, Request of
 Brotherhood Corporation for a
 Variance of the regulations of the
 Zoning Ordinance, to permit the con-
 tinued existence of a sign, being a
 Variance of Article 48, Section 18, for
 property owned by Solitron Devices
 situated as follows: The northeast
 corner of the intersection of Route
 207 and Toleman Road
 SAID HEARING will take place on
 the 9th day of June, 1975, at the New
 Windsor Town Hall, 555 Union
 Avenue, New Windsor, N.Y. beginn-
 ing at 8 o'clock P.M.
 Theodore Jargstorf
 Chairman
 By: Patricia Dello, Secy.
 May 31

State of New York
 County of Orange, ss:

Olga Trachewsky , being duly sworn deposes and
 she
 says that he is Principal Clerk of Newburgh-
 Beacon News Co., Inc., Publisher of The Evening News.
 a daily newspaper published and of general circulation in
 the Counties of Orange and Dutchess, and that the notice
 of which the annexed is a true copy was published
 One Time
 in said newspaper, commencing on the 31st day of
 May A.D., 19 75 , and ending on
 the 31st day of May A.D., 19 75

Subscribed and sworn to before me this
2nd..... day of June..... 1975....

Olga Trachewsky

Robert J. Wacht

Notary Public of the State of New York, County of Orange.
 MY COMMISSION EXPIRES MARCH 30, 1976

Adopted 12/20/65

USE
APPLICATION FOR VARIANCE

Application No. 75-12
Date: _____

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Brotherhood Corporation of North Street
Washingtonville New York HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

- A. Location of the Property S.E. corner of Toleman Road and Route 207
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) 48-18
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: the applicant has the same sign in a location less than 100 feet from its present location prior to the adoption of the ordinance
 2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: Applicant has had the sign in that vicinity for at least 14 years without any complaints
 3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: the sign was erected in 1961 on the other side of Route 207 (North side) and applicant was forced to move said sign by the M.T.A. 2 years ago.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: the sign is not
large like a commercial billboard and is done in good taste

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: _____
the sign existed at a nearby location prior to the enactment of
the zoning ordinance

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Existing sign at location set forth in paragraph A herein - pictures
annexed hereto and made part hereof

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: April 28 1975

Botherhood Corporation
BY: [Signature]
Signature of Applicant

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 28th day of April, 1975.

Washingtonville, N.Y.
Address

496-3663
Telephone Number

Patricia Delin
(Notary Public) - Orange County -
My Comm. Exp. 3/30/76.
(DO NOT WRITE IN THIS SPACE)

Application No. _____
Date of Hearing 6/9/75
Date of Decision 6/9/75

Date Received _____
Notice Published _____

DECISION:

Approved
See attached
decision

ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR

In the Matter of the Application of
BROTHERHOOD CORPORATION of
Washingtonville, New York.

Decision
APPLICATION FOR A
USE VARIANCE FOR A SIGN

WHEREAS, BROTHERHOOD CORPORATION of Washingtonville filed an application for a use variance from the provisions of the New Windsor Zoning Code, Section 48-18 under application number 75-12 of the New Windsor Zoning Board of Appeals for property located at the southeast corner of Toleman Road and Route 207, upon which property the BROTHERHOOD CORPORATION maintains a sign, to permit the continued display of a small sign containing directions to the BROTHERHOOD WINERY in Washingtonville, and

WHEREAS, a Public Hearing on this application for a variance was held by the Zoning Board of Appeals on June 9, 1975 at the Town Hall of the Town of New Windsor after due notice by publication in the EVENING NEWS and due notice to residents and businesses within five hundred (500) feet of the subject premises by certified mail; and

WHEREAS, at said hearing the petitioning corporation was represented by Robert Devitt, Esq., and no one appeared in opposition to the application; and

WHEREAS, the New Windsor Zoning Board of Appeals makes the following findings of fact in this application:

1. The applicant has maintained a discreet sign across the street from the subject sign for a number of years, which original sign was taken by the Metropolitan Transportation Authority in its land-taking of the entire Stewart Airport area.

2. The BROTHERHOOD WINERY is a regional, if not national, landmark and it is essential that a sign containing directions to the site be left in place in the Town of New Windsor.

3. BROTHERHOOD WINERY has printed one million promotional brochures which use the sign as a reference point.

The Zoning Board of Appeals of the Town of New Windsor makes the following determinations of law in this matter:

1. An unnecessary hardship would be created if the sign were compelled to be removed.

2. The plight of the owner, BROTHERHOOD CORPORATION is due to unique circumstances and not to the general conditions in the neighborhood.

3. The use of the sign which the applicant seeks to be authorized will not alter the essential character of the locality.

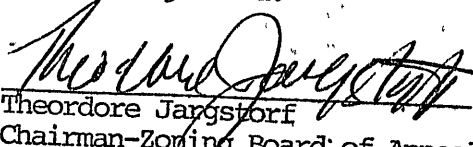
4. The variance, if granted, would not violate the general purpose of the zoning ordinance or local law.

NOW THEREFORE BE IT RESOLVED that the ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR grants a use variance to the BROTHER CORPORATION for the maintenance of a sign on property located at the southeast corner of Toleman Road and Route 207 in the Town of New Windsor.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to transmit a copy of this decision to the attorney for the applicant, the Town Clerk, and the Town Planning Board.

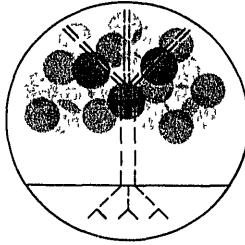
Dated:

New Windsor, New York


Theodore Jargstorf
Chairman-Zoning Board of Appeals

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

June 9, 1975

Mr. Theodore Jargstorf, Chairman
New Windsor Zoning Board of Appeals
c/o Mrs. Patricia Delio, Secretary
New Windsor, New York 12550

RE: Variance - Brotherhood Winery
Route 207 and Toleman Road
Our File No. NWT 75-12-M

Dear Mr. Jargstorf:

Our office is in receipt of the above in accordance with the provisions of Section 239 l and m, Article 12-B of the General Municipal Law of the State of New York.

The matter is minor in nature and is hereby returned for local determination by your Board.

Very truly yours,

Peter Garrison
Peter Garrison
Commissioner of Planning

Reviewed by:
Joel Shaw
Senior Planner

JS/bd

Public Hearing - 8 p.m. - Brotherhood Winery 6/9/75

Name:

Address:

Street Latham

201 CAMBRIDGE CT, NEW HAVEN.

H. F. Latham

206 CAMBRIDGE CT

Wm. Latham

304 CLOVERDALE CT N.W.

Alan Latham

302 CLOVERDALE CT. N.W.

Stephen Latham Jr.

805 CHANDLER ST N.W.

John Latham

Washingtonville N.Y. —

Gasland Inc.

SPRINGFIELD, MASS.





SIEGLER
PHOTOGRAPHY
STUDIOS

LOCUST STREET (P.O. BOX 232)
WASHINGTONVILLE, NEW YORK 10992
(514) 496-7088 534-7959

25 letters

- 21 letters received
4 returned

✓ Wolf, Henry & Kathryn
Edgewater Lane
South Nyack, New York 10960

letter received

✓ Bottieri, Corrado C. & Rose C.
Little Britain Road
Rock Tavern, New York 12575

letter received

✓ Williamson, Harry
21 South Airmont Road
Suffern, New York

letter received

✓ Galewski, Roy Croke
Rock Tavern
New York 12575

letter received

✓ Herskowitz & Jacobs, Inc.
1 Blauvelt Road
Monsey, New York
(Herskowitz, Israel, Jacobs, Julius M. or
(Herskowitz, Louis)

letter received

✓ Clenney, Ira J. & Mabel I.
Rock Tavern
New York 12575

letter received

✓ Peterson, J. Merriam & Flora B.
Toleman Road
Rock Tavern, New York 12575

letter received

✓ Galewski, Roy C. & Harriet L.
Rock Tavern
New York 12575

letter received

✓ Church Of Our Father
Vance Road
Rock Tavern, New York 12575

letter received

✓ Plantt, Douglas C. & Ivy
Brae-Burn Farm
Brightwood, Virginia 22715

letter received

✓ Morrison, Kenneth V.
Box 156
Blooming Grove, New York 10914

letter received

✓ Rosengren, Guild A., Jr. & Jacquelin E. *
66 Stewart Gardens
Newburgh, New York 12550

letter returned

✓ Craig, Vera C., Beverly L. & William
Route 207
Rock Tavern, New York 12575

letter received

✓ Haas, Peter C. & Agnes
R. D. #1
Chester, New York 10918

letter received

✓ Reyns, Joseph, Jr. & Louise A.
Rock Tavern
New York 12575

letter received

✓ Patrons of Husbandry of Little Britain
Grange #913
Rock Tavern, New York 12575

letter received

✓ Craig, William & Vera
Route 207
Rock Tavern, New York 12575

letter received

✓ Jacob, Robert W., Sr. & Judith A. *
R. D. #1 - Lake Road
Salisbury Mills, New York 12577

letter returned

✓ Hookey, Donald T. & Barbara A.
Rock Tavern
New York 12575

letter received

✓ Netz, Frieda *
9 East Main Street
Washingtonville, New York 10992

letter returned

- 2 -

Illgner, Gisela
✓ 1600 Ala Moana Boulevard #2108
Honolulu, Hawaii 96815

letter received

Biagini, Vincent & William C. Thomas, Jr.
✓ Billy Avenue
Washingtonville, New York 10992

*Biagini letter received
Woodcock Mountain Rd.*

✓ Toleman Enterprises, Inc.
257 Main Street
Cornwall, New York 12518

letter received

✓ Czumak, Frank & Mary
Rock Tavern
New York 12575

letter received

✓ Wilson, George W., Sr. & Mary P.
Deniston Lane
New Windsor, New York 12550

** letter returned*

Respectfully submitted,

E. Weyant
E.W. Weyant

Building Department
(CITY, TOWN OR VILLAGE) OF NEW LINDSOR 155 UNION AVE
(Address and Telephone Number) 565-5808
County of: ORANGE

Order to Remedy Violation

Location.. S.E. CORNER ROUTE 207 & TOLEMAN ROAD

Map No. Section. Block: Lot:

Date APRIL 11 1975

TO.. BROTHERHOOD CORP
(owner or authorized agent of owner)

35 NORTH STREET, WASHINGTONVILLE, NY
(address of owner or authorized agent of owner)

PLEASE TAKE NOTICE there exists a violation of:

The State Building Construction Code
Zoning Ordinances
Other Applicable Laws, Ordinances or Regulations

at premises hereinafter described in that BILLBOARD ON CORNER OF
(state character of violation)
ROUTE 207 & TOLEMAN ROAD IS NOT PERMITTED

in violation of 48-18 ZONING ORDINANCE
(state section or paragraph of applicable law, ordinance or regulation)

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to
remedy the conditions above mentioned forthwith on or before the 21ST day of
APRIL 1975

Failure to remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment or both.

Howard R. Covert
Superintendent of Buildings

LAW OFFICES OF
DEVITT ~~AND~~ DEVITT

248 BROADWAY
NEWBURGH, NEW YORK 12550

TELEPHONE (914) 561-6500

P O Box 6

MATTHEW E DEVITT (1926-1971)
ROBERT M DEVITT

BRANCH OFFICE
9 GOSHEN AVENUE
WASHINGTONVILLE, N Y 10992

(914) 496-3614

May 14, 1975

Mrs. Patricia Delio
Secretary ZBA
7 Franklin Avenue
New Windsor, N.Y.

Re: Application of Brotherhood Winery

Dear Mrs. Delio:

When we appeared before the ZBA on the above application we submitted to the Board the application, the notice of hearing, 8 photographs of the sign and a check in the amount of \$25.00.

We enclose herewith a list of property owners within 500 feet of the subject premises to whom we have sent certified letters but have not yet received the receipts.

Please advise if we will need anything further except for the \$25.00 fee for taking the minutes.

RMD:cmb
Encl.

Very truly yours,

Robert M. Devitt